

VZCZCXRO7066
OO RUEHBI
DE RUEHLM #0983/01 2951231
ZNY SSSS ZZH
O 221231Z OCT 09
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0675
INFO RUEHKA/AMEMBASSY DHAKA PRIORITY 1982
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 9018
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 7256
RUEHLO/AMEMBASSY LONDON PRIORITY 5180
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3403
RUEHNW/AMEMBASSY OSLO PRIORITY 5135
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0009
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0670
RUEHKO/AMEMBASSY TOKYO PRIORITY 4246
RUEHCG/AMCONSUL CHENNAI PRIORITY 9581
RUEHBI/AMCONSUL MUMBAI PRIORITY 6876
RUEHON/AMCONSUL TORONTO PRIORITY 1341
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 3793
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

S E C R E T SECTION 01 OF 03 COLOMBO 000983

NOFORN
SIPDIS

DEPARTMENT FOR SCA/INSB

E.O. 12958: DECL: 10/21/2019
TAGS: [PGOV](#) [PREL](#) [PREF](#) [PHUM](#) [PTER](#) [FAID](#) [MOPS](#) [CE](#)
SUBJECT: DISAPPEARANCES APPEAR TO DECLINE, DEFSEC SAYS THEY
INVESTIGATE HR ABUSES

REF: COLOMBO 938

Classified By: AMBASSADOR Patricia A. Butenis. REASONS: 1.4 (B, D)

¶1. (S/NF) SUMMARY: Post appears to be seeing a continuing decline in disappearances across most of Sri Lanka, according to statistics obtained from the International Committee of the Red Cross (ICRC). (STRICTLY PROTECT: Provision of these statistics by ICRC to Post goes against their regular operating procedures, but has been done over the past several years by quiet arrangement with us. ICRC is still engaged in negotiations with GSL on its revised operating mandate, and currently does not have access to the ex-combatant detention camps or the IDP camps. Disclosure outside of the USG of how the information in this cable was obtained could have very serious repercussions for ICRC and its personnel.) This decline in disappearances began in the second quarter of 2009, as the war with the LTTE was coming to a close, but continued through the third quarter as well. There are no reliable statistics, however, for disappearances inside the large IDP camps at Manik Farm, and only second-hand reports from the Eastern Province. Leaving out these two areas, reported disappearances dropped from 103 in the first quarter of 2009, to 47 in the second quarter, and to 23 in the third quarter. ICRC continues to negotiate with the GSL on its new operating mandate. Defense Secretary Gotabaya Rajapaksa told Ambassador that investigations are ongoing by the military into cases of individual military personnel committing abuses. ICRC also confirmed that they were told by police officials of ongoing investigations into internal misconduct, including human rights abuses. END SUMMARY.

ICRC STATISTICS SHOW DECLINE IN DISAPPEARANCES

¶2. (S/NF) The bottom line on disappearances is that they continue to drop significantly in the areas where ICRC is able to obtain usable statistics. It is important to note that since early July ICRC has not had direct access either to the Eastern Province or to the IDP camps or ex-combatant detention centers to compile data in those locations. Across

the remainder of the island, though, ICRC reports a drop from 103 disappearances in the first quarter to 47 disappearances in the second quarter, and then a further drop to 23 in the third quarter.

¶3. (S/NF) The Eastern Province more recently had been the area with the most disappearances, and ICRC must now rely on second-hand reports, which are unlikely to reflect as accurately the disappearance problem there as previous statistics obtained by ICRC directly. In the past, most reports came from individuals coming into ICRC local offices to report disappearances directly to them, largely because of a perception that ICRC would be able to help. With ICRC gone from the area, persons wishing to report disappearances now may believe they do not know whom to trust with such information.

¶4. (S/NF) ICRC continued to have no access since early July to either the regular IDP camps or the ex-LTTE combatant camps. Although ICRC was able to register some 9,500 ex-combatants before it lost access, no one outside the government has registered any of the additional 2,000-3,000 ex-combatants the government says it has since found and added to the detention camps. Moreover, there was no way to verify how many persons escaped the larger IDP camps by bribing officials or other means, nor was there a way to know whether any persons disappeared on their way to the IDP camps from the conflict zone.

EXTRA-JUDICIAL KILLINGS

COLOMBO 00000983 002 OF 003

¶5. (S/NF) ICRC previously compiled data on extra-judicial killings but currently does not have the capacity to do so. Unlike the reports on disappearances, obtaining reports of extra-judicial killings required pro-active work by ICRC personnel. With no personnel on the ground in the Eastern Province, they were not able to investigate possible cases. An internal decision was made not to compile these cases in the Jaffna region, and ICRC staff who remained in Vavuniya were stretched too thin with other responsibilities to investigate possible killings.

ICRC CONTINUES TO NEGOTIATE OPERATING MANDATE WITH GSL

¶6. (C) ICRC officials related that they were continuing to negotiate with the GSL on their revised operating mandate for all their operations in Sri Lanka. ICRC submitted a proposal to the MFA in early September but did not have a formal response yet. One ICRC contact told Post she suspected that the GSL was waiting for the completion of the framework for rehabilitation of ex-combatants, which would enable them to adjust ICRC's mandate accordingly. That framework was under negotiation by the government, with input through a steering committee from several international actors including USAID and ICRC. The negotiations were somewhat hampered, however, by competition between the Ministry of Human Rights and Social Services and the Ministry of Justice, each of which wished to be in charge of the details of the rehabilitation framework.

GOVERNMENT INVESTIGATES ABUSES?

¶7. (S/NF) As noted in reftel, Ambassador was told by Defense Secretary Gothabaya Rajapaksa that the military did in fact investigate reports of human rights abuses or other crimes by its soldiers. ICRC staff confirmed they heard reports of this as well. One ICRC contact reported to PolOff that, in particular, whenever ICRC had passed reports of incidents of rape by soldiers to local military commanders, they were invariably incensed about receiving the report, but followed up swiftly and harshly with the suspected perpetrators through military justice channels. The ICRC contact

suggested this attitude towards incidents of rape by soldiers might explain the recent strong reaction by the GSL to Secretary Clifton's remarks on rape in Sri Lanka at the UN. ICRC contacts also reported they had been told recently by a senior police official that there were 100-plus ongoing investigations of police misconduct. It was unclear to the ICRC contact how many of those investigations included human rights abuses or whether some of them were for other forms of internal police misconduct.

COMMENT

¶8. (S/NF) While the flaws in ICRC data prevent an accurate, island-wide analysis, it is clear that outside of the East and the IDP camps disappearances have declined significantly.

This is welcome news, even if it may represent not so much a change in attitude by top GSL officials as a natural result of the end of the war. Also welcome is the suggestion that the military and the police have been conducting internal inquiries into incidents of potential human rights abuse. Clearly, these two developments do not offset the abuses that have occurred and continue to occur. They may be, however, points upon which Post can build and encourage greater progress as we seek to help Sri Lanka heal from its long conflict.

COLOMBO 00000983 003 OF 003

BUTENIS